

Appl. No. 10/625,505
Amdt. dated March 9, 2006
Reply to Office Action of December 19, 2005

PATENT

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed December 19, 2005. Claims 1-40 were pending in the present application. This Amendment amends claims 1, 4, 8, 11, 16, 22, 30-32, and 35; and cancels claims 2, 9-10, 12-15, 17-19, 24, 26, 29, and 33; leaving pending in the present application claims 1, 3-8, 11, 16, 20-23, 25, 27-28, 30-32, and 34-40. Reconsideration of the rejected claims is respectfully requested.

I. Allowable Claims

Claims 2, 4, 5, 8-19, 22, 24, 26, 29, 33, 35-36, 39, and 40 contain allowable subject matter. The claims are objected to, however, as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The limitations in these claims have been incorporated into the respective independent claims, rewritten in independent form including all of the limitations of the base claim and any intervening claims, or depend from one of these as-amended independent claims, such that each of these claims should be in condition for allowance. Applicants therefore respectfully request that the objections to these claims be withdrawn and a notice of allowance issued.

II. Rejection under 35 U.S.C. §112

Claims 30-31 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claims 30 and 31 are rejected as lacking proper antecedent basis for the term "an order of configurations." Claims 30 and 31 have been amended to no longer recite this limitation, and should contain proper antecedent basis for each term recited therein. Applicants therefore respectfully request that the rejection with respect to claims 30-31 be withdrawn.

Appl. No. 10/625,505
Amdt. dated March 9, 2006
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PATENT

III. Rejection under 35 U.S.C. §102

Claims 1 and 32 are rejected under 35 U.S.C. §102(b) as being anticipated by *Buch* (US 5,550,839). Claim 1 has been amended to recite the allowable limitation of claim 2, and claim 32 has been amended to recite the allowable limitation of claim 33. Claims 1, 3, 6-7, 20-21, 23, 25, 27-28, 32, 34, and 37-38 are rejected under 35 U.S.C. §102(e) as being anticipated by *Dai* (US 6,651,235). These rejected claims have been amended to recite limitations indicated to include allowable subject matter, or now depend from such claims, as discussed in detail below. As these claims recite limitations that are allowable over *Buch* and *Dai*, so should these claims be allowable over *Buch* and *Dai*. Applicants therefore respectfully request that the rejection with respect to claims 1, 3, 6-7, 20-21, 23, 25, 27-28, 32, 34, and 37-38 be withdrawn.

IV. Amendment to the Claims

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

Some of the claims were amended to recite allowable limitations from dependent claims, or re-written in independent form. For example:

Claim 1 as amended includes allowable subject matter from claim 2.

Claim 4, containing allowable subject matter, is rewritten in independent form.

Claim 8 is re-written in independent form and further includes allowable subject matter from claims 9 and 10.

Claim 11 is re-written in independent form and further includes allowable subject matter from claims 12-15.

Claim 16 is re-written in independent form and further includes allowable subject matter from claims 17-19.

Claim 22 is re-written in independent form and further includes allowable subject matter from claims 24, 26, and 29.

Claim 32 as amended includes allowable subject matter from claim 33.

Claim 35, containing allowable subject matter, is re-written in independent form.

Appl. No. 10/625,505
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PATENT

V. Objection to the Claims

Claims 1, 32, and 40 are objected to for including unclear limitations. As set forth in MPEP §§ 608.01(o), "the meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import" and "usually the terminology of the original claims follows the nomenclature of the specification." Applicants respectfully submit that these claims recite nomenclature of the specification whose meaning should be apparent from the descriptive portion of the specification.

Claims 1 and 32 are objected to as being unclear due to the recitation of "a series of input values for each input parameter" (OA p. 2). Claims 1 and 32 have been amended to recite that the input parameters are input parameters for the design, as discussed in the specification. The specification also discloses a number of example input parameters, and classes of input parameters, such that the limitation "input parameter for the design" should not be unclear.

The phrase "a series of values for each input parameter" also should not be unclear. Series of values for each input parameter are discussed in the present application. Also, the meaning of a parameter having a series of possible values is well known. For example, Merriam-Webster Online (as of February 17, 2006) defines a *value* as "a numerical quantity that is assigned or is determined by calculation or measurement," and a *parameter* as "any of a set of physical properties whose values determine the characteristics or behavior of something." There can be a number of input parameters for a design, as set forth in the specification, where the selection of values for each of those input parameters can affect the values of the output metrics. The relationship between the input values of the input parameters should not be unclear in light of the present specification and what is known to one of ordinary skill in the art.

Claims 1, 32, and 40 are also objected to for reciting both "output values" and "output metrics." "Output metrics," nomenclature from the specification, are described in the descriptive part of the specification. Output metrics are defined in the specification as "any circuit parameter that a user wishes to optimize or track" (see [0026]). The relationship between an output value and an output metric therefore is similar to the relationship discussed above for input values and input parameters. As discussed above, the relationship between the values of

Appl. No. 10/625,505
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PATENT

parameters/metrics should not be unclear in light of the present specification and what is known to one of ordinary skill in the art.

Claim 40 is also objected to for reciting a "tuning parameter." Tuning parameters are well known in the art for use with such algorithms, where the values of certain parameters are varied in order to optimize the system. Tuning parameters are also described in the present application in paragraphs [0068]-[0076], such that the meaning should be clear.

Claim 40 is also objected to for reciting the term "exogenous noise." The term "exogenous" is recited in the specification, such as in paragraphs [0069]-[0070], and the discussion of noise that can be exogenous can be found, for example, in paragraphs [0071] and [0080]. Merriam-Webster Online (as of February 17, 2006) defines exogenous as "caused by factors or an agent from outside the organism or system." Such noise would be well known to one of ordinary skill in the art in light of the specification, such that the limitation should not be unclear. Further, even though the word "exogenous" is uncommon, that does not make it indefinite.

As the claims are otherwise in condition for allowance, Applicants respectfully request that the objection to claims 1, 32, and 40 be withdrawn and a notice of allowance issued.

Appl. No. 10/625,505
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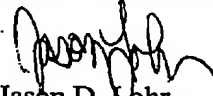
PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Jason D. Lohr
Reg. No. 48,163

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
JDL:asb
60675642 v1